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Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Turkmenistan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-15227 (E) 210918 210918

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Reply of Turkmenistan to the recommendations of the Working Group on the Universal Periodic Review

1. In the framework of the thirtieth session of the Working Group on the Universal Periodic Review held from 7 to 18 May 2018 in Geneva, Switzerland, on 7 May 2018 the delegation of Turkmenistan took part in the presentation of the third report of Turkmenistan.

2. As a result of the dialogue that was held, Turkmenistan accepted 98 recommendations, accepted 90 for further study and rejected 3.

3. On 18 June 2018, the results of the dialogue held as part of the universal periodic review were reviewed at a meeting of the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law.

4. The recommendations were studied by the corresponding State and public bodies, which presented their proposals for their implementation.

5. Thus, having considered the recommendations, Turkmenistan supports 74 of the recommendations.

6. At the same time, it does not accept 16 recommendations, for the reasons set out below:

116.18 — According to the United Nations definition, "an indigenous people consists of the present descendants of peoples who lived in the current territory of all or part of a country at a time when people of another culture and ethnic origin arrived from another part of the world, subjugated them and put them in a dependent and colonial situation by conquest, colonization or other means". Since there are no indigenous peoples in Turkmenistan that fit this definition, we consider it inappropriate to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization;

116.35, 116.36, 116.37, 116.38, 116.39, 116.40 — Owing to contradictions with the prevailing views of civil society;

116.54;

116.59 — Article 58 of the country's Constitution provides that the defence of Turkmenistan is the sacred duty of each citizen. Male citizens of Turkmenistan are obliged to perform universal military service;

116.60, 116.90 — Article 42 of the country's Constitution guarantees every person freedom of opinion and expression. No one has the right to prohibit people from freely expressing their views;

116.68, 116.71 — Article 51 of the Media Act establishes liability for restricting freedom of the press;

116.85 — Article 49 of the new version of the Constitution introduced a standard prohibiting forced labour and the worst forms of child labour;

116.86;

116.87 — The Act on Controlling the Spread of Disease caused by the Human Immunodeficiency Virus (HIV) is not discriminatory, and the measures taken to prevent HIV are not in contradiction with human rights standards.

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Report of the Working Group on the Universal Periodic Review*

Burkina Faso

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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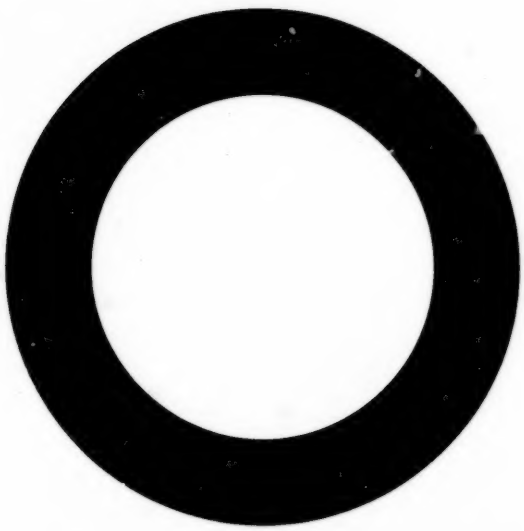
Recommendation No.	*State(s)*	*Substance of recommendation*	*Position of Burkina Faso*
126.1	Chile, Costa Rica, Spain, Togo	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Accepted
126.2	Austria	Ratify without reservation the Second Optional Protocol to the International Covenant on Civil and Political Rights	Noted
126.3	United Kingdom of Great Britain and Northern Ireland	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with the ultimate aim of abolishing the death penalty in all circumstances	Noted
126.4	Portugal	Fully abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Accepted
126.5	Australia	Formally abolish the death penalty, including by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights	Accepted
126.6	Portugal, Spain/Uruguay	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights/Consider ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Noted
126.7	Portugal Spain	Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Noted
126.8	United Kingdom of Great Britain and Northern Ireland	Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections	Accepted
126.9	Haiti	Finalize and adopt the draft law revising the Act No. 010-2009, as follow-up to the recommendations in paragraphs 135.44, 135.54 and 135.61 of the report of the Working Group on its second review cycle	Accepted
126.10	Kenya	Implement the Environmental and Social Management Plan and enforce the Mining and Environmental Code	Accepted
126.11	Iceland	Continue its efforts to abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Accepted
126.12	Cabo Verde	Abolish officially and ultimately the death penalty	Accepted
126.13	Central African Republic	Complete the process of abolishing the death penalty	Accepted
126.14	Ukraine	Take the legislative steps necessary to abolish the death penalty	Accepted

Recommendation No.	*State(s)*	*Substance of recommendation*	*Position of Burkina Faso*
126.15	Germany	Fully abolish the death penalty, commute all death sentences and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights	Accepted
126.16	Namibia	Consider abolishing the death penalty for all crimes and ratifying the Second Optional Protocol to International Covenant on Civil and Political Rights	Accepted
126.17	Argentina	Adopt the measures necessary in order to guarantee that forced disappearances remain explicitly outside the scope of the competence of military jurisdictions in all cases	Noted
126.18	Spain	Honour its role as guarantor of security, without being replaced by self-defence groups, ensure respect for human rights in its territory, including by the security forces, and ensure an end to impunity	Accepted
126.19	Belgium	Strengthen the rule of law throughout the country by supporting the presence of national security forces trained in human rights and counter the presence of vigilante militias, including the Koglwéogo	Noted
126.20	United States of America	Take meaningful steps to improve civilian security and access to the formal judicial system, while building trust in formal law enforcement to prevent the proliferation of vigilante groups	Accepted
126.21	Haiti	Prioritize the consultation with small farmers to prevent the negative impact of agro-industrial policies on food and nutritional security, in follow-up to the recommendation in paragraph 135.24 of the report of the Working Group on its second review cycle	Accepted
126.22	Togo	Ensure that evictions result from a judicial decision, with rigorous procedural guarantees in line with international norms	Noted
126.23	Afghanistan	Ensure maternal, sexual and reproductive health care for women by applying standard methods	Accepted
126.24	Belgium	Implement a strategy that ensures the sexual and reproductive health and rights of young people by fighting against female genital mutilation and by reducing maternal mortality related to unsafe abortions	Noted
126.25	Germany	Amend legislation to fight and legally ban the practice of female genital mutilation, other harmful customary practices and domestic violence against women, by inter alia revising the law to define marital rape and to establish an appropriate punishment	Noted
126.26	Australia	Amend the Code of Individuals and Family to guarantee that the same minimum age for marriage of 18 years applies to men and women and includes all types of marriages, including religious and traditional marriages	Noted

Recommendation No.	*State(s)*	*Substance of recommendation*	*Position of Burkina Faso*
126.27	Germany	Establish comprehensive mechanisms to fight early forced marriage by, inter alia, raising the minimum age for marriage, including for traditional marriages, for both boys and girls to 18 years and by making shelters available for people at risk	Accepted
126.28	Ireland	Set the minimum age of marriage at 18 years for women and men and for all forms of marriage	Noted
126.29	Belgium	Repeal all discriminatory provisions against women in the Individuals and Family Code and increase to 18 years the legal minimum age of marriage for men and women, without exception	Accepted
126.30	Montenegro	Revise current legislation in order to explicitly prohibit the corporal punishment of children in all settings, including at home	Noted
126.31	Botswana	Step up efforts to protect the rights of persons with albinism, including through public raising-awareness campaigns	Accepted
126.32	Central African Republic	Continue awareness-raising actions to help change negative attitudes towards persons with albinism	Accepted
126.33	Congo	Conduct awareness-raising activities to change negative attitudes towards people with albinism	Accepted



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Report of the Working Group on the Universal Periodic Review*

Cabo Verde

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Position of Cabo Verde regarding the Recommendations of the UPR, 3rd cycle

1. Cabo Verde reaffirms its commitment to promote, protect, and respect human rights for all and to the universal periodic review process (UPR).

2. Cabo Verde welcomes the valuable contribution of delegations during the UPR 3rd cycle interactive dialogue last May and the 159 recommendations received. The recommendations were examined by a working group composed of the institutions involved in the preparation of the UPR report. Upon detailed examination of the recommendations received, Cabo Verde accepts 144 recommendations and notes 15 recommendations.

3. The 144 recommendations accepted pertain to key human rights domains, such as cooperation with international human rights mechanisms and bodies, national human rights framework, equality and non-discrimination, right to life, liberty and security of persons, administration of justice, fundamental freedoms and right to participate, prohibition of all forms of slavery, right to work, right to an adequate standard of living, right to health, right to education, gender Equality and the empowerment of women, rights of children, rights of persons with disabilities, migrants, refugees, asylum seekers and stateless persons (a summary table of accepted recommendations is attached). Cabo Verde is pleased to say that many of these recommendations are already under implementation and that the majority are aligned with existing policies and planning instruments, while additional measures will be promoted as necessary.

4. As for the 15 recommendations noted, these include:

- 14 recommendations that are supported but that have already been implemented and will thus not require further action.
- 1 recommendation that requires the country to take actions that are not a priority in its national human rights agenda and, as such, may not receive the same priority as accepted priorities within the time spam of the UPR cycle.

5. The 14 noted recommendations that are considered as already achieved are the following:

- **112.28 - Consider offering a standing invitation to the Human Rights Council special procedures:** as mentioned in Cabo Verde's national UPR report (paragraph 15), Cabo Verde issued a standing invitation to the Human Rights Council special procedures mandate holders on 26 April 2013 and in January 2015 received the visit of the Special Rapporteur on Adequate Housing. A visit of the Special Rapporteur on Development is now scheduled for November 2018.
- **112.33 - Consider the establishment of a national coordination mechanism for the elaboration of reports, follow-up and implementation of the recommendations, in line with the elements of the 2016 guide on national mechanisms for reporting and follow-up, published by OHCHR:** as mentioned in Cabo Verde's national UPR report (paragraph 17), such a mechanism has been established in 2017, the *Inter-Ministry Commission for the Elaboration of National Reports* (Resolution No 55/2017, June 15), attached to the Prime Minister's Office. The Commission's members have been appointed by order of the Prime Minister (Order N.º 02/2018, February 2).
- **112.49 - Decriminalize defamation and place it within a civil code that is in accordance with international standards and adopt a freedom of information law in accordance with international standards:** although the Penal Code does foresee the crime of defamation, the Constitution and the Social Communication Law guarantee freedom of information in line with international standards.
- **112.50 - Adopt comprehensive anti-trafficking legislation and a national action plan on trafficking with measurable indicators and targets:** as mentioned in Cabo Verde's national UPR report, the amendments introduced to the Penal Code strengthened the national legal framework to combat trafficking in persons (TIP), as

did the *Law on the entry, stay, exit and removal of foreign nationals from Cabo Verde*. The National Plan to combat Trafficking in Persons (2018-2021), mentioned in paragraph 83 of the report, has been approved and is under implementation.

- **112.57 – Step up efforts to combat trafficking in persons by adopting comprehensive legislation prohibiting and criminalizing trafficking in persons, including trafficking of women and girls for the purposes of exploitation in prostitution and domestic servitude:** as referred above (in respect to recommendation 112.50) Cabo Verde considers the amendments introduced to the Penal Code sufficient. They include TIP and servitude.

- **112.64 and 112.120 – Both pertaining to the National Plan to Combat Gender-based Violence, to include specific reference to trafficking and exploitation of women and children through prostitution:** the 2nd National Plan to Combat Gender-Based Violence (2015-2018) has been developed and contains measures on trafficking of women and girls and foresees specific programs to assist and protect victims of sexual harassment in secondary schools and public institutions, potential victims of FGM, trafficking, sexual exploitation and discrimination based on sexual orientation or gender identity.

- **112.68 and 112.69 – Both pertaining to the incorporation of the principle of equal pay for work of equal value between men and women in the labour laws in line with the ILO Conventions:** Cabo Verde's understanding is that this principle is already contained in article 62 of the Constitution and article 16 of the Labour Code.

- **112.73 – Guarantee the protection of workers against discrimination on the grounds of national origin:** although the prohibition of discrimination on the grounds of nationality is not specifically stated, any such discrimination can be legally framed, considering the Constitution's dispositions on descent and origin, as well as the article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by Cabo Verde and as such in force in the country's legal framework.

- **112.108 – Take the necessary measures to investigate and sanction those responsible for the de facto polygamy and female genital mutilation:** article 279 of the Penal Code criminalizes bigamy, punishing whoever, being married, enters another marriage. To be noted that *de facto* unions are, under the Civil Code, equivalent to marriage, provided they meet the established criteria. On this issue Cabo Verde sees the need to work through an information and educational approach on rights and on combating gender stereotypes. As for FGM, it is punished under the Special Law against Gender Based Violence and perpetrators are liable to investigation and sanction.

- **112.126 to ensure that violence against women, such as domestic violence and sexual violence, is punishable by law:** a Special Law against Gender Based Violence was passed in 2011 (Law 84/VII/11), including physical, psychological, sexual, moral and patrimonial violence, as well as harassment.

- **112.148 and 112.149 on further amends the Criminal Code to criminalize and punish the promotion of prostitution of children between 16 and 18 years of age:** as mentioned in Cabo Verde's national UPR report (paragraph 3), the amendments introduced to the Penal Code in 2015 include the revision of articles 148 and 149 to criminalize the facilitation of, or profiting from, the prostitution of children between 16 and 18 years old.

6. The one recommendation that would require the country to take actions that are not a priority in its national human rights agenda is the following:

- **112.14 – Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization:** indigenous and tribal people are not part of Cabo Verde's reality.

7. The recommendations of the UPR 3rd cycle will be broadly disseminated to raise public awareness on the UPR dialogue process and work on accepted recommendations will be discussed with ministries and institutions with responsibilities in their implementation, under the coordination of the *Inter-Ministry Commission for the Elaboration of National Reports*, attached to the Prime Minister's Office.

List of the 144 recommendations that Cabo Verde supports

112.1	112.17	112.34	112.51	112.70	112.86	112.101	112.117	112.134	112.151
112.2	112.18	112.35	112.52	112.71	112.87	112.102	112.118	112.135	112.152
112.3	112.19	112.36	112.53	112.72	112.88	112.103	112.119	112.136	112.153
112.4	112.21	112.37	112.54	112.74	112.89	112.104	112.121	112.137	112.154
112.5	112.22	112.38	112.55	112.75	112.90	112.105	112.122	112.138*	112.155
112.6	112.23	112.39	112.56	112.76	112.91	112.106	112.123	112.139	112.156
112.7	112.24	112.40	112.58	112.77	112.92	112.107	112.124	112.140	112.157
112.8	112.25	112.41	112.59	112.78	112.93	112.109	112.125	112.141	112.158
112.9	112.26	112.42	112.60	112.79	112.94	112.110	112.127	112.142	112.159
112.10	112.27	112.43	112.61	112.80	112.95	112.111	112.128	112.143	
112.11	112.28	112.44	112.62	112.81	112.96	112.112	112.129	112.144	
112.12	112.29	112.45	112.63	112.82	112.97	112.113	112.130	112.145	
112.13	112.30	112.46	112.65	112.83	112.98	112.114	112.131	112.146	
112.15	112.31	112.47	112.66	112.84	112.99	112.115	112.132	112.147	
112.16	112.32	112.48	112.67	112.85	112.100	112.116	112.133	112.150	